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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,469	09/15/2003	Kenneth J. Lanier	53470P015D3	7880

7590 06/29/2005

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EXAMINER

SUAREZ, FELIX E

ART UNIT PAPER NUMBER

2857

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/663,469	LANIER ET AL.	
	Examiner	Art Unit	
	Felix E. Suarez	2857	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 26-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 26-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>9/15/03; 11/15/04</u>   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Abstract*

1. The abstract of the disclosure is objected to because it has more than 150 words. Correction is required. See MPEP § 608.01(b).

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 26-30 are rejected under 35 U.S.C. 102(b) as being unpatentable over Gage et al. (U.S. Patent No. 6,188,253).

With respect to claim 26, Gage et al. (hereafter Gage) teaches a clocking apparatus for an electronic tester, comprising:

a first high speed clock generator coupled to a digital test circuit (see col. 4, lines 32-44 and FIG. 5A), wherein the first high speed clock generator generates a first clock having a first frequency that is a first multiple of an input frequency (see col. 4 line 60 to col. 5 line 3 and col. 5, lines 48-60);

a second high speed clock generator coupled to an analog test circuit (see col. 4, lines 25-31 and FIG. 5A), wherein the second high speed clock generator generates a second clock having a second frequency that is a second multiple of the input frequency (see col. 4, lines 25-31);

a reference frequency clock source (see col. 4 line 67 to col. 5 line 12);

a variable clock generator coupled to the reference frequency clock source and coupled to the first and second high speed clock generators, wherein the variable clock generator has a continuously adjustable clock frequency that determines the input frequency for the first and second high speed clock generators (see col. 6, lines 1-17).

With respect to claim 27, Gage further teaches comprising a computer that sets the clock frequency of the variable frequency clock generator in response to user input with respect to the computer (see col. 3, lines 59-65).

With respect to claim 28, Gage further teaches that, the reference frequency clock source provides a reference clock for a clock (see col. 4 line 55 to col. 5 line 3) for an analog test circuit (see col. 3, lines 59-67).

With respect to claim 29, Gage further teaches that, the first and second multiples are each less than one (see col. 4 line 55 to col. 5 line 3 and col. 9, lines 41-42).

With respect to claim 30, Gage further teaches that, the first and second multiples are each greater than one (see col. 4 line 55 to col. 5 line 3 and col. 9, lines 37-40).

### **Conclusion**

#### **Prior Art**

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mielke et al. [U.S. Patent No. 6,195,772] describes a programmable high speed clock.

Wohlfarth [U.S. Patent No. 6,232,759] describes a periodic master clock signal produced by a central clock source.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Felix Suarez, whose telephone number is (571) 272-2223. The examiner can normally be reached on weekdays from 8:30 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc Hoff can be reached on (571) 272-2216. The fax phone numbers for the organization where this application or proceeding is assigned is 703-872-9306 for regular communications and for After Final communications.

June 24, 2005

F.S.

  
ANDREW H. HIRSHFELD  
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